

REMARKS/ARGUMENTS

Claims 1-45 are pending in the application. Claims 16, 18, 25, and 27 have been amended. New claims 42-45 have been added. Reconsideration is respectfully requested. Applicants submit that the pending claims 1-45 are patentable over the art of record and allowance is respectfully requested of claims 1-45.

Applicants would like to thank Examiner Song for holding a telephone interview with their representative on Tuesday, November 07, 2006, at 12:30 p.m. (EST). During the telephone interview, Examiner Song indicated that amending the Specification on page 21, paragraph 63, to change "computer readable medium" to "computer readable storage medium" and amending the article of manufacture claims to refer to "computer readable storage medium" would overcome the 35 U.S.C. 101 rejection and place the claims in condition for allowance. Applicants' representative agreed to make such changes.

Applicants have amended the Specification on page 21, paragraph 63, to change "computer readable medium" to "computer readable storage medium". Applicants respectfully submit that no new matter has been added. Applicants are merely amending the Specification as recommended by Examiner Song to clarify the term "computer readable medium" as a storage medium.

Claims 16-30 were rejected under 35 U.S.C. 101 as not being limited to tangible embodiments. The Examiner submits that the claims are directed to intangible embodiments and refers to Applicants' Specification, page 21, last line to page 22, line 5. Applicants respectfully traverse, but, in order to expedite prosecution, Applicants' have amended claims 16, 25, and 27 to describe an article of manufacture comprising one of hardware logic and a computer readable *storage* medium including code for processing data updates with a group of backup components, wherein the logic or code causes operations to be performed (e.g., Specification, page 21, paragraph 63).

In particular, paragraph 63 of the Specification describes that:

The term "article of manufacture" as used herein refers to code or logic implemented in **hardware logic (e.g., an integrated circuit chip, Programmable Gate Array (PGA), Application Specific Integrated Circuit (ASIC), etc.) or a computer readable storage medium, such as magnetic storage medium (e.g., hard disk drives, floppy disks,, tape, etc.), optical storage (CD-ROMs, optical disks, etc.), volatile and non-volatile memory devices (e.g., EEPROMs, ROMs, PROMs, RAMs, DRAMs, SRAMs, firmware, programmable logic, etc.).** Code in the computer readable medium is accessed and executed by a processor. (Emphasis Added)

On the other, hand, Applicants' Specification on page 21, line 27 - page 22, line 8 describes that:

The code in which various implementations are implemented may further be accessible through a transmission media or from a file server over a network. In such cases, the article of manufacture in which the code is implemented may comprise a transmission media, such as a network transmission line, wireless transmission media, signals propagating through space, radio waves, infrared signals, etc. Thus, the "article of manufacture" may comprise the medium in which the code is embodied.

Applicants' respectfully submit that amended claims 16-30, which recite an article of manufacture comprising one of hardware logic and a computer readable *storage* medium including code, are limited to tangible embodiments.

New claims 42-45 depend from allowed claim 31. At least by their dependence, Applicants respectfully submit that new claims 42-45 are also in condition for allowance.

Conclusion

For all the above reasons, Applicants submit that the pending claims 1-45 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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